

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RAFAEL A. JONES, SR.,)	
)	
Movant,)	
)	
v.)	No. 4:12CV523 AGF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Jones’s motion to vacate under 28 U.S.C. § 2255. In the motion, Jones, who is serving a state imposed prison sentence, seeks to reverse an adverse judgment in a civil action. Section 2255 provides relief only to prisoners in custody under a federal sentence. As a result, Jones’s grounds for relief are not cognizable in § 2255 proceedings, and the Court will summarily dismiss this action. See 28 U.S.C. § 2255 Rule 4.

Moreover, if Jones were to have brought this case pursuant to 28 U.S.C. § 2254, it would still be subject to summary dismissal. A habeas petitioner may only bring an action under § 2254 to challenge a state court judgment “on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). Jones is not attempting to challenge a state court judgment. So, the grounds for relief are not cognizable in § 2254 proceedings.

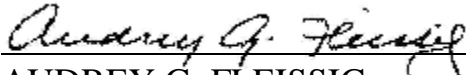
Finally, the Court notes that Jones is a frequent file of frivolous and malicious lawsuits, and he may not proceed in forma pauperis in civil actions because he has incurred at least three “strikes” under 28 U.S.C. § 1915(g). The instant filing appears to be an attempt to circumvent § 1915(g) through creative titling of his pleadings. This is impermissible.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 23rd day of March, 2012.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE